

5804

2013-2014 Regular Sessions

I N A S S E M B L Y

March 6, 2013

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Environmental Conservation

AN ACT to establish the bi-state Long Island sound commission, and
providing for its powers and duties; and to amend chapter 690 of the
laws of 1988, creating the bi-state Long Island sound marine resources
committee, in relation to the powers of the bi-state Long Island sound
commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature hereby finds that Long
2 Island sound is a precious and sensitive natural resource providing the
3 states of Connecticut and New York with a source of environmental beau-
4 ty, marine resources, transportation, industry and recreation. These
5 states share ownership and stewardship of Long Island sound. Decisions
6 of one state may impact directly or indirectly on the residents of the
7 other state. Significant projects may require approval from state or
8 local agencies in both states. Proposed projects to address energy
9 supply and energy demand of both states potentially affect Long Island
10 sound. Cooperative planning to address such energy supply and demand
11 would greatly reduce the impact of such proposed projects on Long Island
12 sound. The waters and industrial uses of the lower Hudson River valley
13 similarly affect the quality of Long Island sound.

14 S 2. Establishment of commission and membership thereof. There is
15 hereby established a bi-state Long Island sound commission which shall
16 consist of the governors of the states of Connecticut and New York, or
17 their designees, and in addition, seven members who are residents of
18 Connecticut and seven members who are residents of New York.

19 (a) The seven Connecticut members shall be appointed to two-year terms
20 as follows:

21 (1) one appointed by the governor of the state of Connecticut;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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(2) one appointed by the president pro tempore of the senate of the state of Connecticut;

(3) one appointed by the majority leader of the senate of the state of Connecticut;

(4) one appointed by the minority leader of the senate of the state of Connecticut;

(5) one appointed by the speaker of the house of representatives of the state of Connecticut;

(6) one appointed by the majority leader of the house of representatives of the state of Connecticut; and

(7) one appointed by the minority leader of the house of representatives of the state of Connecticut.

(b) The seven New York members shall be appointed to two-year terms as follows:

(1) one appointed by the governor;

(2) two appointed by the temporary president of the senate;

(3) one appointed by the minority leader of the senate;

(4) two appointed by the speaker of the assembly; and

(5) one appointed by the minority leader of the assembly.

(c) The governors of the states of Connecticut and New York, or their designees, shall serve as co-chairpersons of said commission, ex-officio, unless the commission members select other chairpersons by majority vote. In no event shall the co-chairpersons be from the same state.

S 3. Duties of the commission. The bi-state Long Island sound commission shall:

(a) review and consider major environmental, ecological and energy issues involving Long Island sound and the lower Hudson River valley, provided the commission's review and consideration of issues involving such valley shall be limited to issues in the valley that affect Long Island sound; (b) seek consensus on strategies and policies concerning such issues; and (c) make recommendations for administrative and legislative action to implement such strategies and policies. Said commission shall meet not later than October 1, 2013, and not less than quarterly thereafter, at a time, date and place to be determined by the co-chairpersons.

S 4. Administration. The bi-state Long Island sound commission shall be within the Department of Environmental Protection of the state of Connecticut and the department of environmental conservation of New York for administrative purposes only, and the expenses for said commission shall be borne equally by the states of Connecticut and New York.

S 5. Preemption. Nothing in this act shall be construed to supplant or supersede any statutory or regulatory authority of any state or municipal agency concerning projects, policies or activities of said commission.

S 6. Section 3 of chapter 690 of the laws of 1988, creating the bi-state Long Island sound marine resources committee, as amended by chapter 33 of the laws of 2011, is amended to read as follows:

S 3. Duties of committee; report. The committee may make such recommendations as may be necessary to effectuate the purposes of this act, EXCEPT FOR ANY MAJOR ENVIRONMENTAL, ECOLOGICAL OR ENERGY ISSUE INVOLVING LONG ISLAND SOUND AND THE LOWER HUDSON RIVER VALLEY THAT IS UNDER REVIEW BY THE BI-STATE LONG ISLAND SOUND COMMISSION ESTABLISHED PURSUANT TO THE CHAPTER OF THE LAWS OF 2013 THAT AMENDED THIS SECTION. In furtherance of its responsibilities under this act, the committee may coordinate and recommend standardization of all laws relative to Long Island sound including, but not limited to, standardization of jurisdiction of coas-

1 tal waters by harbor management commissions, municipal waterfront
2 authorities, municipal conservation commissions, municipal port authori-
3 ties and municipal shellfish commissions. The committee shall consider
4 the adverse impact any action proposed in or for Long Island sound may
5 have upon the public trust resources of said sound. The committee shall
6 prepare and submit a report to the governors and the legislatures of the
7 respective states on or before February fifteenth, annually. The report
8 shall make recommendations for legislation regarding proposed industri-
9 alization and private use of public trust resources of Long Island
10 sound. In developing such recommendations, the committee shall seek to
11 (1) avoid, (2) minimize, and (3) mitigate the impacts of such proposed
12 industrialization and private use of public trust resources of said
13 sound. For the purposes of this section, "public trust resources" shall
14 include, but not be limited to, the historic and broad boating use of
15 said sound by the public, the right of the public to enjoy and explore
16 the natural beauty of said sound by boat, the rights of the public and
17 commercial fishermen to harvest fish and shellfish from said sound, the
18 protection of all natural resources of said sound that are held in trust
19 by the state for the public, the stewardship and restoration of sites
20 along the coast of said sound that contain important habitat or natural
21 resources and the protection of sites that provide opportunities for
22 public enjoyment of said sound.

23 S 7. This act shall take effect upon the enactment into law by the
24 state of Connecticut of legislation having an identical effect with this
25 act, but if the state of Connecticut has already enacted such legis-
26 lation, this act shall take effect immediately; provided, however, that
27 the secretary of state shall notify the legislative bill drafting
28 commission upon the occurrence of the enactment into law by the state of
29 Connecticut of legislation having an identical effect with this act in
30 order that the commission may maintain an accurate and timely effective
31 data base of the official text of the laws of the state of New York in
32 furtherance of effecting the provisions of section 44 of the legislative
33 law and section 70-b of the public officers law.